Preserve

G.R.S. IX—5]

Previous references. 1922-23 **File No.** 254-22-

171-20 (Misc) **Serial Nos.** C. 5. V

Later references.

Temp 254-22-10 & 17.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. C- 6.

Part B for April 1923.

SUBJECT

Report on applications for the Kings of Mining Concessions [illegible]

Printed on the Multigraph.

G. R. S. 11] 1922-23

GENERAL AND REVENUE SECRETARIAT.

(Muz)

NOTES.

File No. [illegible]-22

FILE HEADING.

Memorial of Sir Khaja Syed Mohiud-din Hussainy Badsha of Chitaldrug praying for an increase of his salary and for review of the Govt order of Oct 22 re Peish Imam of Chitaldrug Masjid -

From

~~The Sir Khaja of Chit~~ The Private Secretary to H.H.

No. 2971 Dated 27·3·23 Received 2/3/4/23

Diary No. 1946	Enclos. ~~one fol~~ Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Forwards the above memorial to H.H. for disposal.

NOTES AND ORDERS.

The Muz: file 254-22 on the subject of the office of Peish Imam in the Mosque at Chitaldrug was submitted for orders ~~on 2.4.23~~ yesterday with a further report.

2 In the present memorial to H.H. the Sir Khaja prays, in addition, for an increase of

NOTES—First Sheet.

Serial No.

pay.

3. Dewan's order on the P. S's letter.
"may be submitted to the 1st Member".

31.4.23

4. This will be placed on the
88 - Connected file which has been
5-42 Subd to Sec: for orders (Yesterday)
and a draft order pending in term
of the 2d member.

8/4
3/4/23

5. The Connected file received to Sept is presumed to be relating to the dispute of Kotah Khan. It is, it has no connection with the pay or pay and allowances in Supplementary Estt. Khan Bahadur Khaja and the Sardar Khan is [illegible] made a representation to Lawley with Khaja Yakub. Please put up that file 4/4/23

6. Mem: file 179-20-(182) is put up. It will be seen from page 5 of the note that the question of increase of pay to the Khajas was considered & it was found not

NOTE—Contn. sheet.

MUZRAI
THE PALACE,
MYSORE.

27th March 1923.

No 297/ file

254 - 22 - 5

Revenue

The accompanying memorial of Sir Khazi Syed Mohiuddin Hussainy Badsha of Chitaldrug, praying for an increase in his salary is forwarded, with compliments, to the Dewan of Mysore, for favour of disposal.

Memo enclosed

By Order.,

Mirza M. Ismail

Private Secretary.

ST 8/4/23

65-C.

BEFORE HIS HIGHNESS SIR SRI KRISHNARAJENDRA WODIYAR BAHADUR, G.C.S.I. MAHARAJA OF MYSORE.

The humble memorial of Sir Khazi Syed Mohiuddin Hussainy Badsha of Chitaldrug, very respectfully sheweth:

May It Please Your Highness:

Your Highness' humble memorialist's great grandfather, Syed Mohamed Hussainy was appointed Sir Khazi of Chitaldrug on or about 14-4-1814 by Your Highness' August Grand-father, the late His Highness Sri Krishna Rajendra Wodayar Bahadur on a salary of 10 Kanthirava Varahas (about Rs.29/- or Rs.30/-) per month by Sannads all dated 1824, copies of which are laid before Your Highness now, in a connected case of Your Highness' humble memorialist, praying for a certain alteration in a certain Government Order.

2. Your Highness' humble memorialist begs very respectfully to submit that he gets now only a salary of Rs.14-8-8 per month, though in the abovementioned Sannad, dated 14-4-1814 His Highness was pleased to write in his own hand-writing that a salary of 10 Kanthirava Varahas per month should be given to Your Highness's humble memorialist's ancestor. The cause of this cutting down is not to the knowledge of Your Highness' humble memorialist known and he respectfully, therefore, prays that since he has to do touring in the whole dis-

-trict

district as Sir Khazi, and for which he gets no mileage or batta and since days are getting very hard and costly and as this small monthly salary of Rs.14-8-8, is hardly sufficient to make both ends meet his salary per month may kindly be increased to what it was originally according to the Sanned, if found not possible to give more, or that a grant of fifty acres of kharab dry land may kindly be made so that Your Highness' humble memorialist and his large family may eke out their livelihood as best as they can by this means at least, - for which act of kindness, Your Highness' humble - Memorialist and his descendants will always pray - for Your Highness' long life and prosperity.

Your Highness' humble memorialist subscribes himself as Your Highness' most obedient and loyal subject,

Syed Mohiyuddeen Hussain
Sir Khazi

MYSORE
192 .

CONTENTS.

		From P.	To P.
1.	MEMORIAL:- Brief -does not contain all grounds.	1	7
2.	REVIEW PETITION TO GOVT:- Contains almost all grounds, -important to be read.	7	16
3.	SANNADS from His Highness The Maharaja Sri Krishna Raja Wodayar Bahadur in Persian & also translation.	17	22
	(b) -do- Kanarese & also translation.	23	26.
	(c) -do- -do-	27	30
	(d) -do- -do-	31	34
	(These are all to be read -as important)		
4.	CIVIL COURT'S DECREE:- A very important document, gives a complete idea of case to be read completely and carefully.	35	45
5.	A Short History of the Case:- An interesting historical sketch, to be read to get at the truth of things, supplementary to the above.	45	51
6.	The Government Order:- taking away the Khazi's power.	51	52
7.	The most important Government Order, taking away Khazi's - rights and privileges without any reason.	53	58.
8.	CONFIRMING SAME ORDER BY GOVT.	59	60.

BEFORE HIS HIGHNESS SIR KRISHNA RAJENDRA WODIAR

BAHADUR, G.C.S.I., &c., MAHARAJA OF

MYSORE, BANGALORE.

The humble memorial of Sir Khazi Syed Mohiyuddin Hussaini Badsha, of Chitaldrug, very respectfully sheweth:

May It Please Your Highness:

Your Highness' humble memorialist's great-grand-father was granted the Khazawat of Chitaldrug Kasba and District by a sannad of Your Highness' great and august Ancestors, the late His Highness Krishna Rajendra Wodiar Bahadur, dated 1814 and ever since that date Your Highness' humble memorialist's ancestors and himself have been hereditarily appointed and doing the Khazi's work.

Besides being the Khazi Your Highness' humble memorialist has been the de facto Imam of the Chitaldroog Jumma Mosque, leading prayers and has from time to time appointed and dismissed Naibs to conduct prayers as subordinate Pesh Imams in his absence from Head Quarters.

Your Highness' benign Government have by a recent Order in G.O.No. 1521-3/Mun. 57-19-21 dated Bangalore, 13.10.'22

(on

(on a petition from one or two discontented people having hereditary enmity with the Khazi praying that a certain gentleman Syed Abdul Khalak, ~~of~~ appointed Pesh Imam, from Your Highness' humble memorialist and dismissed as a subordinate Pesh Imam, -Your Highness' humble memorialist begs - leave to say that this ~~seat~~ of Pesh Imam and Khazi has been almost hereditary) taken away this Your Highness' humble memorialist's right of appointing or dismissing his subordinate Pesh Imams or Naibs, and that the learned Order is not clear about Your Highness' humble memorialist's personal right of - Imamship

The learned order proceeds on the grounds (a) that the Sannad has not given any right of Imamship or the power of appointing or dismissing the Naib - Pesh Imam, (b) that the office has not become hereditary, (c) that there is no mention of Chitaldrug - Jumma Mosque in the Sannad and that hence it cannot be inferred that the Khazi was by the sannad given any control over that particular mosque, (d) that the - duties of the Khazi do not comprise the Imamship &c., and (e) analogy of Seringapatam or Mysore.

Your Highness' humble memorialist begs humbly to submit with regard to the above objections and - (a) that grounds, the learned Government have unfortunately and your Highness' humble memorialist have failed to correctly interpret and construe the terms of the Sannads, for a perusal of the Sannad will show that that the Khazi's right of Imamship and that this - power of appointing and dismissing Naibs is the main

right

right that is given to him by the Sannad -Your Highness' humble memorialist humbly begs to produce herewith the Sannad (Persian in Original & also a copy in English) and since the judicial powers of the Khazi have been taken away later on, it is more or less only the above right of management of mosques that is left to him. (b) With regard to the second objection, Your Highness' humble memorialist begs to point out that according to Section 34 of the Muzrai Code, - his office and its powers have become hereditary, since they have been exercised from more than 3 generations in his family; (c) with regard to the third objection, Your Highness' humble memorialist begs to point out that the Mosque was not in existexnce at the time as a complete Mosque (Vide "A - short history of the case Ex. 4" (accompanying) and that its name would surely have found a place otherwise; again, the many words, the guidances, the references to Jumma and other Mosques &c. in the said sannad which the Khazi is asked to lead, point to the Mosque in - question directly, and that ever since the Mosque came into existence, Your Highness' humble memorial ist and his ancestors have been the de facto Khazis and Imams &c. It would be meaningless and unthinkable otherwise that the Main Mosque of the District would be left out of the jurisdiction of the main Sir Khazi of the District; (d) with regard to the fourth objection, Your Highness' humble memorialist begs to point out that if there be any doubt in the matter, that the Khazi of a District cannot be an -

Imam

Imam or cannot appoint or dismiss subordinate Imams, a fatwa on the point of all learned - Moulvis could be taken (Your Highness' humble memorialist begs to point out that this matter is dealt with in detail in the Review Petition (accompanying), The Khazi particularly now-a-days is the primary Imam of the Mosque and the alleging of this - right in him is not a misconception of the rights and duties of the Khazi. The Khazi has got ample powers over the management of Wakfs and particularly over mosques (Vide Review Petition page 4 Ex accompanying); (e) with regard to the last ground the ~~ancestor~~ analogy of Seringapatam and Mysore does not apply as they belong to a separate jurisdiction and as each institution or place is to be governed by the particular Law or - authority by which it is appointed or comes into existence, and is controlled. In this case a specific power of Control is given to the Khazi with no reservation or management, to Government or other authorities and this institution is a poor one without - Jagnirs &c. while the Seringapatam and Mysore cases comprise large Jaghirs with particular terms of appointment and administration probably.

Your Highness' humble memorialist lays before Your Highness all the papers with him connected - with the case. Your Highness' humble memorialist in conclusion very humbly and respectfully begs to submit that (a) the Khazawat and Imamship have been for a long time, that if not his right of Imamship and its consequent rights are taken away without reason it - will

it will be a sad and undeserving blow to him in his old age, especially when he and his ancestors have - for such a long time performed the duties of the office with no complaint (b) that in other places in the District yet under his authority, his subordinate Naibs will not submit to his authority when they hear that he has no right in the Main Mosque or the District and that consequently the religious ~~duties~~ injunction of the Mussalman will fail, (c) that he is the fittest man for the office giving and that the same could be tested in any way, (d) that an over-whelming majority of the people of the place are not against his being an Imam and exercising the Imam's and Khazi's rights, that if there be any doubt in the matter, a voting to the same effect may take place, (e) that it is only one or two irresponsible mischievous minor and unimportant people namely Syed Nasiruddin, Masum Sab &c., who have almost a sort of a hereditary enmity with - the Khazi's house for dismissing the last Pesh Imam, Syed Abdul Khalak, that are sending untrue petitions to Government agitating for the re-appointment of - the said Gentleman as Pesh Imam, but whose object is to harass Your Highness' humble memorialist and that they do not object to his right of ~~even~~ leading prayers, (f) that the learned order fails to take notice of all the foregoing.

Your Highness' humble memorialist therefore humbly prays as the order of the learned Government proceeds on a misconstruction of the terms of the sannad and a misconception of the duties of the Khazi, Your Highness may be pleased to abrogate that portion of it

which

which goes against the ancient and well-established right of the Khazi to lead in prayers and to appoint or dismiss as occasion arises all the other subordinate officers in the said Jumma Mosque of Chitaldrug.

Bangalore
March 26
1923
Mysore

Syed Irshiyaddeen Hussaini
Sir Ithaji

Your Highness' humble memorialist subscribes himself as Your Highness' most loyal and obedient servant,

Before the Government of His Highness the Maharaja of Mysore at Bangalore.

Sir Khaji Syed Mohiuddin Hussainy Badsha Saheb, Khaji of Chitaldrug. } Petitioner.

With reference to their kind order No.1521-3/Muz. 517-19-21 dated Bangalore 13th October 1922, the petitioner abovenamed, very humbly begs to state, that in view of the circumstances and facts, stated below, which due to a number of reasons also mentioned hereunder - could not be placed for consideration before the benign Government, at the time of their passing the order above referred to, the Government be pleased to review the same, as under:

1. The kind order (Ex.N) takes away the long established and long existing legal and customary right of the Khaji to appoint or dismiss the Peish Imam or any - other Subordinate Officer of the Chitaldrug Musjid.

2. The learned Order is not clear if the Sir Khaji of the District can or cannot lead the prayers at the - Chitaldrug Jumma Mosque even in the presence of the Deputy Commissioner appointed Peish Imam and even if he objects him to do so. It may respectfully be pointed out at this stage that the law and practice till now, has been, that the Khaji has a right to lead the congregation whether in the presence of the Peush Imam or even in spite of his - wishes. The Peish Imam has been the direct subordinate of the Sir Khaji.

3. The learned order was passed presumably on the petition (Vide Ex.M.P.Nos.2 and 3) and the question in - which directly was whether Mr.Syed Abdul Khalak should be appointed as Peish Imam of the Mosque whether his appoint-

was necessary or whether the first pesh Imam the Khaji's nominee was enough to look after the Khaji's functions in the Mosque in the Khaji's absence. The petitioner respectfully submits that he understood - the hearing kindly granted to him, was limited to the above and he had no idea or reason to believe that - the question, whether he had any right legal or customary, to appoint or dismiss a Pesh Imam or other subordinates of the mosque, was at issue and also whether - his office of Khajiship was in question as the present order effects that also in an indirect way.

The petitioner respectfully submits that if he had thought the above points were at issue, he would have - completely proved his case at the hearing and that there would have been no necessity of this Revision Petition.

4. But since the order is made and since it effects the office of the Khazavat of the petitioner and since he was under a bona-fide mistake of fact, as to these questions at issue at the hearing kindly granted to him, he respectfully begs to submit the following - authorities now favouring his claim to the complete - management of the Chitaldrug Jumma Musjid.

(a) In Ex.4 entitled "A short history of the case" it is shown that the mosque was taken under Muzrai Control not very long ago; that previous to the transfer - to the Muzrai department, it was built by the sultan's orders and completed by the public and sannad (Ex.A) also was given to the petitioner's great-grand-father long - before this transfer, and that in fact the mosque was - handed over to the petitioner's said ancestor by about 1814, by Goujdar Ashraf Ali Khan after obtaining the - necessary orders of His Highness on the matter (Vide Ex. 4 p.1).

(b) It is not clear how the transfer of control to the Muzrai was effected and even if assuming it was according to section 3 of the Mysore Muzrai Regulation No.VI of 1913, which the petitioner has reasons to believe, was not the case, as he and his forefathers have always been directly controlling the affairs of the mosque and a great majority of the muslim public has always been in their favour with the exception of a very minor and discontended persons forming a clique with the pesh imam on personal grounds of ill-will; there is no direct provision in the above code for the direct management of the mosques and the analogy of muths and pujaries does not, so the petitioner, humbly begs to submit, on all fours, apply to such institutions.

(c) Even assuming that such an analogy does apply the petitioner humbly submits that since from more than three generations his ancestors have been khajis and managing the mosque his office according to section 34 Chapter IV of the Mysore Muzrai Manual 1919 has become hereditary.

(d) That the rights and duties of the khajies mentioned at page 219 of the Mysore Muzrai Manual 1919 are not exhaustive and incomplete; and since it is not shown there that they are deduced from Mahomedan Law and are authoritative and also are limited to the extent mentioned therein, they are not binding. Even assuming that they are, the petitioner respectfully begs to submit that on the same page (Mysore Muzrai Manual 1919 p.219) under (iii) i.e., dealing with religious questions when doubts arise regarding them.

That he has a right to say whether a particular Pesh Imam or Movazin is religiously fit to do his work or not and consequently, if found unfit to dismiss him and replace the fittest person.

(e) The petitioner further humbly begs to submit the following powers of the Khaji are expressly recognised and mentioned in Mr.Syed Ameer Ali's Mahomedan Law Vol.1 dated 1892 (Copy to be found in the Bangalore Law Association).

Page	Power.
351.	May remove a Muthuvalli who is a slave or zimmy.
366,367,368.	May remove a Muthuvalli for breach of trust misfeasance and the like causes.
358.	May appoint a substitute when the Muthuvalli is under a temporary disqualification.
364.	Sanction of Khazi when necessary for the appointment of a Muthuvalli.
357.	Sanction of Khazi necessary to enable a Mutuvally to retire from his office.
378,381.	May authorise a longer lease than that - provided for by the Wakif.
373.	May sanction the mortgage of Wakif property or a charge on it.
373, 375.	May sanction a debt for the repairs of the Wakif property.
372.	Has to fix and increase the allowances of the Mutuvalli and other servants of the Wakif.
336.	Cannot be deprived of his power of interference in the management of a Wakif.

Hence the petitioner respectfully begs to submit that the view that the Muthuvalli is alone invested - with the authority to manage the affairs of the mosque, under the Mahomedan Law, and the Khazi cannot interfere· and that his duties are distinct as expressed in the learned order (Ex.m) page 3 is erroneous and incorrect.

(f) Since the learned order deals with the sannad, a translated copy of which (to the best of the petitioner's ability to get the most correct translation) Ex.A is herewith attached and with reference to the contention that

the

the Towliat could not have been given to the petitioner as no such word or fact occurs in the sannad Ex.A and - that it does not also confer any special authority of appointing Muthuvallis to Mosques (Vide Ex.m) page 3, the petitioner very humbly and respectfully begs to point out that the following sentences from the Sannad (Ex.A.)viz.,

Ex.P.1. Syed Mahomed Hussainy who is the Khaji of the Kasba Chitaldrug.

Ex.P.11. You are granted the privilege of the duty of the (Khajawat) looking after as Khaji, of Chitaldrug Kasaba referred to above & the Taluqs that are surrounding it.

Ex.P.111. You are to take their (Naib's statements and get them punished &c.

Iv.P.2. that is also your duty that you are to - try and see by leading and otherwise - that the congregation both in the Namaz of five times a day and that of the Jumma &c.

P.3 (v) You yourself or through one of your Naibs, have to look after the said Kasaba of - Chitaldrug, because the said Kasaba particularly belongs personally to you.

(vi) If any Naib out of your Naibs is not under your control you have to petition about - him and to inform the same to the Adalat Cutcherry so that he may be dealt with - properly.

vii. The Namaz of Jumma and Ids, you have to - perform them with the congregation of - Mussalmans.

viii. There are 12 talugs around Chitaldrug except the Kasba of Chitaldrug itself. All the - Naibs of these places are handed over to you to be under your control. You are to manage and administrate all these.

Give the petitioner in effect what is technically known as the "Towlat" though in so many words it is not technically mentioned, and that also according to the- tenor of the above document, and rules of Mahomedan Law and practice, referred to in the previous para, it could fairly be inferred without doing any violent injustice to the language and straining of the words of the sannad, that though it is not mentioned in so many words that any special power of appointing or removing Muttavallies

(naibs) is given to the Khaji, yet, there is in the document which precludes him from doing so proper cases, and in fact the whole tenor of the document is towards recognising such right and the advisability of the Khazi exercising such powers, which - are almost quite clearly granted to him. It is also to be pointed out that the khasi's right of leading prayers even in presence of naibs (Pesh Imams) and in spite of their wishes, if necessary is expressly mentioned.

Further the petitioner humbly begs to point out with reference to the word (besides) in "Besides the Kasaba of Chitaldrug there are twelve taluks attached to the district of Chitaldrug and all the naibs of - these places have been placed under your control." - (Vide the order Ex.M.p.3) that it refers to the Chitaldrug Taluq and the term "all the naibs" included the Naib of Chitaldrug if any, also in it and the sentence means, the 12 naibs of other places, and this one, if any, of Chitaldrug are all under your control. It does not mean, so, the petitioner humbly thinks that the ~~kk~~ kasba of Chitaldrug is left out of the Khaji's control and that he has not been given the control and superintendence of the mosques. Such a meaning would be a - strain on the express words of the sannad against its - spirit and tenor (especially when it enjoins upon the - Khaji, the duty of leading the congregation in prayers) against Mohamedan Law and settled custom and practice.

(g) The petitioner very humbly begs further to point out, that in further support of his status and - privileges of office as Khazi he has got a judicial decree of a civil court confirmed in appeal by the Judicial Commissioner (vide Ex.z p.2 & 3) up-holding petitioner's right in the wording of the Court "right of

performing

pefforming the duties of Cazee of Chitaldrug and as such to hold charge of the musjid at Chitaldrug for its legitimate purposes and to nominate or remove the Pesh Imam of the said Musjid from his office when his conduct calls for such a measure under the sanction of the Khoran".

h. The petitioner humbly begs to state that it is not quite free from doubt, if his civil status of office and its privileges could be the proper subject of an - executive order; and that in the presence of a judicial adjudication on merits of a proper tribunal not in any way altered or reversed by the highest judicial tribunal in the land would not act as a bar or "res judicata" to proceedings of other kinds of the executive authority towards the same subject. A perusal, the petitioner - humbly begs to point out, of the civil decree mentioned above (Ex.B) will give a very clear and very correct ~~men~~notion of the petitioner's rights and privileges, of the - number of Pesh Imams appointed and dismissed by his ancestors of all the documents in his favour of his jurisdiction and powers &c.

Previous Orders on the Subject.

(i) The petitioner humbly begs to submit that a history of all the previous orders in the subject (Vide Ex.z p.3 to 6) shows an almost continuous upholding of his rights and privileges as Khazi. His privileges of superintendence and management have not been questioned, his right of holding prayers is not questioned, but only the dispute has been by a set clique in favour of the appointment of a particular gentleman as Pesh Imam.

Other Equitable Grounds:

(f) Finally the petitioner humbly submits in the interests of equity and justice and to the fair management of the musjid with the least amount of friction &

troubles

troubles it would be best to appoint or recognise

(a) the authority of one single person complete, over the mosque and its affairs, - and accountable only, to a strong public opinion or to the benign government,

(b) to place all other subordinate mosque officials under the above authority, with probably a right of appeal in grave cases of mismanagement of justice, to be very unwillingly - admitted,

(c) to avoid dual control and the petitioner humbly submits that the order as now - made, gives rise to a dual control; if the - Pesh Imam is not appointed by the petitioner and if he is not made petitioner's subordinate there is every danger of his always questioning the petitioner's authority in matters, in which the petitioner's right is not taken away and such interference will always lead to disquiet and will be a source of constant anxiety to the benign Government.

(k) In conclusion the petitioner very humbly begs to submit that since

(1) he has never once misused or mismanaged his powers of superintendence and control of the mosque

(2) there has been no complaint worth the name, about his qualifications &c. for the duties of his office.

(3) He and his ancestors have been - using these rights from more than 100 years.

(4) There can be found no better person to effectively and properly look after the - mosque affairs as the petitioner has been doing from a long time.

(5) It will be an act of unmerited disgrace for him for his authority to be questioned and his powers curtailed after his having - used them for so long a time.

(6) His Sir Khaziship, and control over the other Naibs will be useless without his - right, prestige and authority in the chief Mosque of the District, the Chitaldrug Jumma Musjid.

(7) He has proved beyond all possible - doubt, he thinks, his right and title, legal and customary and equitable to his office, to its - emoluments and to all its rights, privileges and duties.

(8) His rights over naibs, pesh imams may kindly be acceded to and that so much of the - order as curtails the said well established privileges and powers of the petitioner may kindly be reversed, and the same upheld, and prays that the benign Government be pleased to pass corresponding immediate orders thereon, and that the - execution of the present order may kindly be - ordered to be stayed till this petition is disposed of.

The petitioner subscribes himself as

His Highness' Government's

Bangalore Most Obedient Servant,

سرکار مہی سور
عدالت کچہری ستارہ

حکمنامہ حضور عدالت کچہری ستارہ مشہور بنام سید محمد حسینی قاضی قصبہ چاندرگ کہ در قاضی ٹوکری درگ مذکور اند آنکہ شمارا اشرف وجیب الطرفین دانستہ بخدمت قضای قصبہ درگ مذبور و تعلقات مضافات او تعیناش در ذیل مرقوم است سرفراز و ممتاز فرمودہ شدہ است باید کہ ہموارہ از تشیت امور شرعیہ موضع مسطورہ و اجرای احکام دینیہ خبر گیران میبودہ باشند و اگر احدے از نواب شما یا زمرہ مومنین آن ضلع برخلاف شرع شریف عمل نماید او را ازان باز دارند و اگر باز نیاید بعدالت کچہری مذکور کیفیتش نوشتہ تنبیہ و تبدیلش کنانند و ہر یک نائب را از احکام دینیہ سوال کنند تا قابلیت نیابت دریافتہ شود و از احکام واردان نکاح خوانی و ذبایح اکثر سوال میکردہ باشند زیرا کہ این مقدمات بسیار رجوع بہ نواب می نمایند الرالتیان خبردار بنا شند خلل و فساد در نکاح و حرمت در ذبایح راہ می یابد و نیز شمارا لازم است کہ در اقامت جماعات نماز جمعہ ... و جمعہ کوشند و نواب را تاکید نمایند کہ باطفال مسلمین بخواندن و نوشتن و امور طریق اسلام سعی وافر بکار برند و خبر گیران باشند کہ نماز جنازہ و تجہیز و تکفین مومنین بدرستگی ادا می یابد و اگر بدرستگی نمی نمایند تاکید درستگی آن مینمودہ باشند و شما خود بہ نسبت یا بمعرفت کسے نائب خویش اہتمام قصبہ مذکورہ و دیہات آن مینمودہ باشند کہ قصبہ مذکور مخصوص متعلق بہ شماست و خانہ شماری اہل اسلام سکنہ قصبہ و دیہات آن و تعلقات کنایند پیش خود دارند

رسوم ہست وانچکہ غیر آن دشوار و مشکل باشد روانہ عدالت کچہری مذکور کنند اگر نائبے از نواب شما
و اطاعت شما نباشد عرض بعدالت کچہری مذکور نمایند تا بندوبست او کردہ آید و نماز جمعہ و عیدین باجماعت
مسلمین می گذاردہ باشند و بسم اللہ خوانی ذبایح و نکاح ہم بدرستگی میکنانیدہ باشند
جملہ مضافات و تعلقات چیلدرگ سوائے قصبہ دوازدہ ہست نواب ہمہ آنہا در تبعیت شما کردہ شدہ
ہست از ہمہ ہا خبر گیران باشند و از رو داد امور شرعیہ ٹوکری مذکور در ہر سال دوبارہ بعدالت
کچہری مذکور اطلاع میکردہ باشند تفصیل تعلقات ٹوکری اینست۔

قصبہ چیلدرگ	تعلقہ ہریور	تعلقہ انجی	تعلقہ ملکالمڑو	تعلقہ دا ونگرہ
تعلقہ ہای کونڈہ	تعلقہ تلک	تعلقہ دودوری	تعلقہ متوڑ	تعلقہ ہوسدرگ
تعلقہ کن کیہ	تعلقہ بل چھوڑ	تعلقہ ہولالکرہ		

مرقوم دوازدہم ویشاکھ ماس بہاؤ سنوچر موافق غرہ ماہ مے سنہ ۱۸۱۴

مطابق دہم جمادی الاول سنہ ۱۲۲۹ ہجری محمد باقر علیخان محکم ستمان ہسور

العبد السید علی القاضی

1. From consideration of the honourable position and respectability of your ancestors you are appointed Sir Cazee of Chitaldrug and its Talugs and your duties and powers are here under described.

2. You are always to carry out the precept of Sharow (Kuran) according to religious custom in the - abovesaid places and to keep yourself informed how matters are managed.

3. If any of the Naibs in your Division commits breach of religious duties you are to remove them from their posts. If any of the Musalmins in the Division act against the sharow (Khuran) and religious privileges you are to rectify them if they are not submissive to you, you are to submit a detailed statement of their case to the Huzoor Adalat Cutcherry recommending their punishment or removal (of as Nahibs).

4. You are to question the Naibs to test their qualification on provisions of Sharow and religious - rites Ahakham, Arkhan, Nikhakhani and Jubbakhani.

5. You are to be very particular in lecturing the Naibs on these subjects and if they are deficient the rites of Nikhakhani and Jubbakhani will be mismanaged and discontent produced.

6. It is due to you to assemble or cause to assemble people to attend to the Namaz of the 5 - times and also to the Namaz of Friday's you are to be diligent and active in seeing that the children of the caste are instructed to read and write and - in the religious subjects.

7. You are to perform or to cause to be performed properly the religious ceremonies for the dead of mussalmans and to dress and arrange the corpses in the warranted manner for their burrial.

8. You are to afford in person or by a Naib the religious service to (the caste) people in the Casba and its villages. The Casba Taluq is to be under your immediate management.

9. You are to keep an account of the Mussalmans population in the caste and in the villages of Chitaldrug Taluq and any fees you collect for religious difference amongst the mussalmans, you are to remit to the Huzur, you will also submit to the Huzur Adalat Cutcherry such other cases which cannot be disposed of by you.

10. When any of your Naibs fail to conform to your instructions due notice will be taken of their conduct if you report them to the Adalat Cutcherry.

11. You are to conduct for the mussalman people the Jumma Namaz, and Idain Namaz annually performed outside of the town, you are to be most particular in attending for the religious rites of Bismilla Zubba and Nikha

12. There are altogether 12 taluqs with villages besides Chitaldrug. The 12 Naibs for the Taluqs are places under you, you shall have full control over them

them, and submit half yearly reports, regarding the caste and religious disputes in the division.

13. The following is the list of taluqs:-

1. Chitaldrug Casba, 2.Anjjee, 3.Tollock, 4. Hosdroog, 5.Holalkerry, 6.Davanagere, 7.Molkalmooru, 8.Dodari, 9.Kankuppa, 10.Hiriyur, 11.Mayakonda, 12. Mottodu, 13.Bilchodu.

(A)

There is a Seal above

In 11 Bhava Samvatsara Vyshakha Shuddha, Sreeman Krishnaraja Wodayar,-

To the Amil-Khiledar (i.e.,Amildars) of the Chitaldrug Kasaba &c., that is those of the thirteen - Taluqs:

To all the Khazis appointed by the Huzur in your Taluqs, as the Kasaba of Chitaldrug is appointed to - Syed Mohammad Hussainy, all the respective Khazis of Your taluqs should be subordinate to the said Sir Khazi of Chitaldroog, if there be any religious disputes in Moslem of the respective places, they are to be got - solved according to Sharay by the said Sir Khazi

Dated 30-3-1814.

Sd.Khat Timmappa,
Munshi, Huzur.

Sd. Sree Krishna.

నీలలో ఆశీర్వదించండి. —

ప్రార్థన

ఓ పరమపిత పరలోకమందు నివసించు దేవా

నీ నామము పరిశుద్ధపరచబడును గాక. నీ రాజ్యము వచ్చును గాక

నీ చిత్తము పరలోకమందు నెరవేరినట్లు భూలోకమందును నెరవేరును గాక

మా అనుదినాహారమును నేడు మాకు దయచేయుము

మా యెడల అపరాధము చేసినవారిని మేము క్షమించినట్లు

మా అపరాధములను క్షమించుము

మమ్మును శోధనలోనికి తేక చెడ్డవాని నుండి తప్పించుము

రాజ్యమును బలమును మహిమయును నిత్యము నీవే యున్నవి

ఆమేన్

ఈ ప్రార్థనయందు ఉలువబడిన పదములకు

There is a sealing wax seal above.

In 7 Bhava Samvatsarada Chaitra Bahula, Sreeman Krishna Raja Wodayar,-

Hukum, (Nirup) sent to the Chitaldrug Nakhay (Gadi Jat) District Khazi Syed Mohammad Hussainy.

Since we have appointed you Khazi of the Chitaldrug District on a salary of 10 Kanthirava Varahas, by a - Hukumnama written, you have to come into the said office and do the neceesary and responsible work.

Dated 11-4-1814.

(Khat) Timmappa,
Munshi, Huzur.

Sd.Sree Krishna.

There is a seal above.

In 6 Bhava Samvatsara Chaitra Bahula, Sreeman Krishna Raja Woodiar,-

Order sent to Lakshmanraya, Amil (Amildar) of Chitaldrug Kasaba.

Since we have appointed Syed Mohammed Hussainy Khazi on a monthly salary of 10 Kanthirava Varahas - in respect of the Khazawat of the Chitaldrug Tukdi, from the date this Hukum reaches you, according to the English months, monthly you have to get him paid the salary, and take ~~that~~ the work of the Khazawat over all the places by him. you have to take a copy of this Sannad in the Sheristedar's Dalda register and give - the original to the Khazi back.

Dated 10-4-1814.

Sd. (Khat) Timmappa,
Munshi, Huzur
Pur-Nur.

Below

In his Highness' own hand-writing:

10 Kanthirava Varahas to be given monthly,

Sd. Sree Krishna.

---

plaintiff is competent to control over him, or to pond-

JUDICIAL ASSISTANT SUPERINTENDENT'S COURT,CHITALDRUG.

31st March 1870.

Before

J.Ramaiya Naidu,

Judicial Assistant Superintendent.

O.S.No.5 of 1870.

Syed Sibgatulla. ... Plaintiff.

--VS--

Syed Mohiudeen. ... Defendant.

By Vakil Srinivasa Rao, Chitaldrug, both parties appeared and heard.

JUDGMENT

Suit for a declaratory decree to exercise the right of a Cazee to superintend the Musjid at Chitaldrug, and to nominate and remove from office the Paish Imam for the said Musjid.

2. Admits the right of the plaintiff as Cazee of Chitaldrug and Sir Cazee of the talugs in the District, under the Hukumnama, and sannads held by him and states that the plaintiff is competent to perform or cause to be performed the religious rights, and ceremonies, in conformity with the precept of Sharaw or Khuran and that he (defendant) is prepared to abide by any instructions, which the plaintiff as Khazi may choose to issue under the rulings of Sharow that the plaintiff is entitled to superintend or cause to be superintended the mosque in Chitaldrug that he is willing to act as Paish Imam, as hitherto, and that the plaintiff is competent to control over him, or to modi-

nominate or remove him from the office of Paish Imam when such a measure becomes the sanction of Sharaw.

3. The plaintiff to establish his suit produces the following documents:-

(a) Canarese sannad signed by His Highness the Maharaja of Mysore dated the 11th April 1814, appointing Mohamed Hussain Saheb (grand-father of the plaintiff) as Khazee of the Chitaldrug Division on a salary of 10 pagodas per month;

(b) Orders from His Highness the Maharaja of Mysore to all the Amildars of the 13 taluqs - in Chitaldrug Division dated the 30th April 1814, announcing the appointment of Mohamed Hussaini - Saheb as Cazee of Chitaldrug, and chief Cazee of all the Taluqs, and requiring them to warn the - Cazees to place themselves at the disposal of the Sir Cazee in religious matters,

(c) Orders from the Huzoor Adalat Cutcherry of the Mysore Government dated the 1st May 1814, defining the duties of Cazee and Sir Cazee,

(d) Orders from the acting Judicial Commissioner dated 13th March 1860 No.2 to plaintiff - Syed Sibgatulla Hoossaini appointing him to succeed his grand-father as Sir Cazee for the Division of Chitaldroog and to place himself at the disposal of the superintendent fixing his salary at 5 pagodas per month,

(e)

(e) Endorsement from the Chief Commissioner of Mysore dated the 16th March 1863 serving plaintiff to be chief of the Cazee,

(f) Title deed from the Inam Commissioner No.41 dated 7th April 1869 granting ready money Inam of Rupees 174-8-0 to plaintiff as Sir Cazee of the Chitaldrug District for the time being,

(g) Endorsement from Major Dobbs, Superintendent dated 2nd July 1851, noting the right of plaintiff's grand-father to superintend the Musjid at Chitaldrug,

(h) Reply from the plaintiff's grand-father to the effect that the defendant was dismissed - from his office for misbehaviour to an endorsement from Major Dobbs forwarding a petition from the - town people complaining of the dismissal of the - defendant by plaintiff's grand-father dated 17th September 1851,

(i) Endorsement from Major Porter, Superintendenr dated 14th April 1853 forwarding to the - plaintiff's grand-father a petition from the villagers of Chiknaikanahalli to appoint a proper - Cazee for that village,

(j) Petition from one Siddakalli to Major Dobbs complaining of his removal from the office of Cazee of Chitaldrug Taluq by the Sir Cazee, - plaintiff's grand-father dated 31st January 1860,

(k) Petition from one Siddakally to Captain Bruce complaining of the appointment of the defendant by the plaintiff's grand-father dated the 18th July 1860,

(l) Endorsement from Major Bruce, Deputy Superintendent of Tumkur dated 10th December, 1867 appointing to the post of Cazee a person recommended by plaintiff as Sir Cazee,

(m) Receipt from defendant as Peish Imam to plaintiff's grand-father as Sir Cazee for Rs-[illegible]-0 as his pay for 1852 & 1853 in defendant's own hand-writing,

(n) Receipt from D.O. to D.O. for Rs.202½ from 1853 to 1862 in defendant's own hand-writing,

(o) -Do- from -Do- to plaintiff for Rs.54/- upto 1864 in defendant's own hand-writing,

(p) -Do- from -Do- to -Do- for Rs.81/- upto 1868 in defendant's son Abdul Razack's writing,

(q) -Do- from -Do- to -Do- for Rs.20-4-0 up-to end of September 1868 in the hand-writing of -do-. Total Rs.389-14-0,

(r) Fatwa from the moulvi of Vellore to the effect that a Cazee is competent to superintend a Masjid and that a Peish Imam is a subordinate to the Cazee,

(s) Endorsement from the Deputy Superintendent of Chitaldrug dated 28th December 1868 referring plaintiff to a civil court for the establishment of his rights as Cazee,

(t) Endorsement from the Chief Commissioner dated 15th January 1869 confirming the orders of the Deputy Superintendent of Chitaldrug of 26th - December 1868 referring the plaintiff to a Civil Court to establish his right as Cazee.

The

The subjoined is the translation of document C from the Huzoor Adalat Cutcherry of the Mysore Government to Syed Mohamed Hussaini Saheb, (grand-father of the plaintiff) Cazee of Chitaldrug and Sir Cazee of the Chitaldrug Division dated the 1st May 1814.

(1) From consideration of the honourable position and respectability of your ancestors you are appointed Sir Cazee of Chitaldrug and its Talugs and - your duties and powers are hereunder described.

(2) You are always to carry out the precept of Sharow (Kuran) according to religious custom in the abovesaid places and to keep yourself informed how - matters are managed.

(3) If any of the Naibs in your division commit breach of religious duties you are to remove them from their posts. If any of the Mussalmins in the divisions act against the sharow (Khuran) and religious privileges you are to rectify them, if they are not submissive to you, you are to submit a detailed statement of their case to the Huzoor Adalat Cutcherry recommending their punishment or removal (of as Naibs).

(4) You are to question the Naibs to test their qualification on provisions of Sharow and religious - rites Ahakam, Arkhan, Nikhakhani and Jubbakhani.

(5) You are to be very particular in lecturing the Naibs on these subjects and if they are deficient the rites of Nikhakhani and Jubbakhani &c., will be mismanaged and discontent produced.

(6) It is due t you to assemble or cause to -

assemble

assemble people to attend to the Namaz of the 5 times and also to the Namaz of Friday's you are to be diligent and active in seeing that the - children of the caste are instructed to read and write and in the religious subjects

(7) You are to preform or to cause to be - performed properly the religious ceremonies for the dead of mussalmans and to dress and arrange the corpses in the warranted manner for their - burrial.

(8) You are to afford in person or by a Naib the religious service to (the caste) people in the Kasba and its villages. The Casba Taluq is to be under your immediate management.

(9) You are to keep an account of the mussalman population in the Casba and in the villages of Chitaldrug Taluq and any fees you collect for religious difference amongst the Mussalmans, you are to remit to the Huzur, you will also submit to the - Huzur Adalat Cutcherry such other cases which cannot be disposed of by you.

(10) When any of your Naibs fail to conform to your instructions, due notice will be taken of their conduct if you report them to the Adalat Cutcherry.

(11) You are to conduct for the Mussalman people, the Jumma Namaz and Idain Namaz annually performed outside of the Town, you are to be most particular in attending for the religious rites of Bismilla Zubah and Nikha.

(12) There are altogether 12 Taluqs with villa--ges besides Chitaldrug. The 12 Naibs for the Taluqs are placed under you, you shall have full control - over them, and submit half yearly reports regarding the caste and religious disputes in the Division.

(13) The following is the list of Taluqs:-

(a) Chitaldrug Casba, (b) Anjee, (c) Tollock (d) Hosdroog, (e) Holalkery, (f) Davanagere, (g) Molakalmooroo, (h) Dodari, (i) Kankuppa, (j) Hiriyur, (k) Mayakonda, (l) Mottodu, (m) Bilchodu.

6. The plaintiff asserts that some 8 individuals have been acting as Paish Imams in the Musjid of Chitaldroog from 1814 to 1868 as elected by his - grand-father and himself, viz.,

(a) Shali-Hussain Saheb from	1814-1830
(b) Syed Mohidin Saheb, (deft).	1830-1832
(c) Mohamed Hussain Saib.	1836-1841
(d) & (e) Mohamadalli and his brother Madar Saib.	1842-1845
(f) Gows Saheb. . .	1846-1850.
(g) Syed Dastaghir. ...	1851-1852
(h) Syed Mohiuddin Saheb (deft).	1852-1868.

7. Difference appears to have arisen between the plaintiff as Cazee and defendant as Peish Iman - in November 1868, and hence the cause of action.

8. In the opening of the case the parties - entered into a prolonged and promiscuous arguments in a tone of discontent, and disappointment not - short of anxiety and latterly the defendant probably

for

wisely for his own sake yielded to the force of Justice which he mistakenly attempted to resist, and wound up his defence by admitting in plain - terms the right of the plaintiff as Cazee, his - right to nominate and remove him from his office of Peish Imam, and to superintend the Musjid provided his instructions and actions as such followed, the course prescribed by their Holy Khuran.

9. The sensible defence of the defendant - does away with necessity of saying much for either of the parties, and the plaintiff accordingly asks for a decree, without examination of his witness.

10. However I feel it my duty to make a few observations from the facts which I have been able to gather both from the arguments of the parties - and from the perusal of documents filed in the suit with a view to help the parties to see more clearly the position they held.

11. The Mussalman population of the town of Chitaldrug is apparently divided into 2 portions each being headed and led by one of the parties of this suit.

12. Perhaps these parties of the holy class with which appellation they move amongst their subjects have an object in falling out and standing aloof one party from the other, and thus divide - their perquisits from their subjects left in dark for that purpose, as if union was followed, the - advantages desirablefrom the caste people will all reach the pocket of one only, if not disproportionately to both in earnest.

13. However the case may be the question between the parties as to be solved for them now.

14. The issue on the onset may look as, if not, was not, cognizable by a Civil Court, or as one to be settled by the people themselves for whose benefit - the parties are advancing reason to uphold their, respective rights.

15. The plaintiff has been referred by the - Deputy Superintendent and the Chief Commissioner to the Civil Court and I think it would be unreasonable to expect him to have his difference settled by his adversaries.

16. If it is really the intention of the parties to adhere as they profess to do to the dictations of the Khuran for the service of their dependents there could or ought not to be any difference between them nor could they find difficult to appease or to unite their divided castemen.

17. The fortitude of right and power held out to the plaintiff by documents A.B.C.D.E.& F. and - exercised by him and his ancestors as may be inferred from documents G.H.I.J.K.L.M.N.O.P.Q. is too - strong and prominent for the defendant to ignore or deny.

18. Nevertheless it is to the advantage of - the plaintiff to win the good will, and, confidence of the whole body of his people to render his position agreeable to them.

19. The Musjid the right of superintending which the plaintiff claims is one intended to be kept open -

at all times for its religious and legitimate purpose.

20. From the terms of the numerous documents filed by the plaintiff as a paid religious servant of the State from the admittance of the defendant of the asserted right of the plaintiff and from the relative positions of the parties I am led to believe that the plaintiff has greater claims than - the defendant to exercise the rights set up in the pleadings

21. I therefore feel justified to declare - that the plaintiff for the time being, or so long as his orders from the Government stand good, has the right of performing the duties of Cazee of - Chitaldroog and Sir Cazee of the Chitaldroog District and as such to hold charge of the Musjid at Chitaldroog for its legitimate purposes and to nominame or to remove the Peish Imam of the said Musjid from his office when his conduct calls for such a - measure under the sanction of the "Khuran".

22. Each party to bear his own cost, as both the parties appear to have entertained doubts as to their respective titles.

Sd.J.Ramaiya,
Judicial Assistant Superintendent,
Chitaldroog Dist.

True Copy

Sd.Abdul Khader,
Officer, Judicial Assistant Superintendent,
Chitaldroog District.

Exhibit 4.

A short history of the case.

1. The Chitaldrug Mosque in question was partly built by the Sultan-e-Shaheed's (Tippu Sultan's) order a long time ago, probably in the latter part of the - 18th Century.

2. It was incomplete and owing to the change in the Dynasty, the Government of the Commissioner after the above, utilised the structure as a prison.

3. Then, afterwards, Syed Mahomed Hussainy, the great-grand-father of the present petitioner (Syed - Mohiudden Hussainy) came to Chitaldroog about the year 1814 from Mysore and he wrote to Foujdar Ashraf Ali Khan Saheb of the Regiment stationed at Chitaldrug and in - whose charge the prison mosque was, to hand over the - mosque to the petitioner for the purpose of prayers to Muslims of the place who had no mosque to offer their prayers in.

4. The Foujdar Saheb on the above wrote to His Highness for permission for the above and it being- granted, he handed over the mosque to the said ancestor of the petitioner.

5. Then a sannad dated about 1814 was granted - to the said ancestor of the petitioner giving him powers of management and superintendence &c'(Ex.A, a translated copy of which is herewith produced) and all other - orders and sannads similarly granted empowering him to appoint or remove Pesh Imams and giving him general - authorities of administration over the mosque and other affairs are embodied in the Civil Court's decree (Ex.B) a copy of which is herewith produced.

6 That after that he with the help of the Muslims of the place completed the mosque and greatly improved it, making it look like a musjid and - from then onwards it was actually used as a Musjid. No other Musjid in the place was in existence at - that time.

7. That after the death of the great-grandfather of the petitioner, the grand-father of the petitioner being dead, the father of the petitioner Syed Sibkatulla Hussainy was appointed Sir Khaji in his place in about the year 1860.

8. It was only in the petitioner's father's time, that the Naib now called Pesh Imam by name - Syed Mohadeen who was appointed by petitioner's great grand-father began to question the authority of the - Sir Khaji to appoint or dismiss Naib or Pesh Imam on which was filed a suit and a decree (Ex.B) was passed upholding the Naibs or Pesh Imams.

9 On this decree the Naibs appealed and his - appeal petition was dismissed by the Judicial Chief Commissioner Mr.Bowring who thus confirmed and upheld the power of the Sir Khaji to appoint or dismiss the Naib or Pesh Imam in Civil Order No.812 of 1870 May 21. Thus this power of the Sir Khaji has been judicially recognised and upheld and no executive order again can alter or revise the same.

10. A number of Naibs or Pesh Imams were then appointed or dismissed at will by the Khaji as can be seen in (Ex.B).

11. There have always been petitions by the very minor and insignificant aggrieved party, due not to - any genuine and legitimate grievance, but out of personal ill-will and spite to harass and trouble the Khazi always

and

and particularly with the advent of New Executive Officers to the District.

12. A list of such petitions and orders of the consecutive Deputy Commissioners:-

(a) On such a petition to Mr.Krishna Rao (father of the present First Member of Council) the then Deputy Commissioner, he directed that the matter was one of Civil rights and parties could go to Civil Courts which order was also confirmed by the Chief Commissioner in his order dated 18th January 1869, on which parties went to Civil Court and decree Exhibit B was the result which is final.

(b) On such a petition again to Mr.Abdul Khader, Deputy Commissioner in 1870, he ordered that the Khaji could take the help of the Magistrate to exercise his powers over the Pesh Imam, if there was any danger to the peace by the Khaji exercising his powers,

(c) On such a petition again to Mr.Mahomed Ali in 1883 August 1, he did his best to effect a compromise and did effect a compromise stipulating that the Pesh Imam should always be a subordinate of the Khaji and could be removed for misbehavour &c. by the Khaji and so on,

(d) On such a petition again to Mr.Srinivasa Iyengar about the year 1894 the Government were pleased to order in No1026/Muz.F.100-93 dated March 1896, the Pesh Imam dispute of Chitaldrug Mosque was over and the petitioner was appointed Town Khazi and his father continued to be Sir Khaji.

(d.1) It is probably at about this date that the Chitaldrug Mosque was taken over to the Muzrai Control but it is doubtful if a great majority of the Muslim population consented to such management or if there is any record showing such approval.

(e) On such a petition again to Mr.Nana Rao the then Deputy Commissioner, about the year 1900, he also tried to bring about a compromise and succeeded to the extent that the Peish Imam Abdul Khalak (the present claimant to the office) was to be made the Town Khaji for the period of one year and liable to be dismissed for bad conduct any time

(f) After the above in Mr.Ramanuja Iyengar's time, about the year 1904, it was ordered in suit order No.3426/Muz.F.100-93 dated 16-3-1905 (Ex.H) that the Town Khazi was enough and the Pesh Imam was unnecessary.

(g) On such a petition again to Mr.Chengiah Chetty, the then Deputy Commissioner about the year 1908, it was ordered that the Pesh Imam was unnecessary (Vide Government Proceedings No.1202-0-42 F.81-04 dated 4-3-1909).

(h) On such a petition again to the Muzrai Superintendement Mr.Subrahmanya Iyer (The present I.G.of Police) about the year 1909 who held an elaborate enquiry, after stopping for three days and found that after voting, a large majority was in favour of the Khaji and consequently it was thought unnecessary to appoint or retain the Peish Imam (Ex.above in G).

(i) On such a petition again to His Highness about the year 1910 and it being forwarded to the Deputy Commissioner Mr.Balasundaram Iyer it was again ordered for inquiry that the Pesh Imam was unnecessary G.O.No.2335 Muz.607-12-11 dated 30-3-16.

(j) After the above the Government were pleased to order in order No.649-50 Muz.735-18-2 dated Bangalore 21 August 1919, that the present petitioner is appointed Sir Khazi and is permitted to appoint during his absence from Chitaldrug a qualified person to look after the duties of the musjid with approval of the Deputy Commissioner.

(k) On such a petition again to Mr.Venkata Rao, the then Deputy Commissioner about the year 1919, he - again was enquiring into the case and when he was on lease in the middle Mr.Taj Peeran, the present Deputy Commissioner was pleased to recommend about 21-5-20 that the applicant Pesh Imam Syed Abdul Khalak may be appointed second Peish Imam. On this again the permanent Deputy Commissioner returning from leave was - pleased to recommend that no such second Peish Imam - was necessary Reference Sc.393 Rev. of 19-20 dated - 6-9-20.

(l) Finally on such a petition again the Government were pleased to order in their order No.1521-3/ Muz.517-19-21 dated Bangalore 13th October 1922, that the Pesh Imam Abdul Khalak showing no hereditary right to hisoffice, he is not to be appointed Pesh Imam. The order also directs that the Deputy Commissioner may appoint a Pesh Imam ignoring the right of the Sir Khaji to appoint or dismiss a Pesh Imam.

The

The Petitioner is willing to produce if required originals or copies of all the exhibits - referred to and which are in his possession.

the Maharaja of Mysore.

Read:

Government Order No.1026 Muzy: F.100 of 1893 dated 17th March 1896, appointing Syed Mohiuddeen Hussainy Badsha Saheb to do the duties of Sir Khazi in the town of Chitaldrug.

2. Letter No.C.559/Remset dated 18-19 dated the 9th May 1919 from the Deputy Commissioner, Chitaldrug District requesting sanction to the appointment of Syed Mohiuddeen Hussain Badsha Saheb as Sir Khazi of the Chitaldrug District as well as the town in place of his father who is very old and anxious - to retire and recommends that the new khazi may be allowed to nominate a man of his own choice to look after his duties in Chitaldrug Musjid and town during his absence from head quarters.

Order No.649-50 Muz.735-18-2, dated Bangalore 21st August 1919.

The Deputy Commissioner reports that Syed Mohiuddeen Hussain Badsha Saheb has been discharging - the duties of the Khazi of Chitaldroog town satisfactorily for the last 23 years and has won the good will of the mussalman community of the place. His appointment as Sir Khazi of the District in succession to his father who is retiring on account of old age, is sanctioned. He will be permitted to appoint subject to the approval of the Deputy Commissioner a qualified person to discharge the Khazi's duties at -

the

Musjid and town during his absence from the head quarters.

Sd.B.Ramaswamaiyangar,
Secretary to Government, Muzrai Department.

the Maharaja of Mysore.

Read:

(1) Government Order No.649-50/Muz.735-18-2 dated 21st August 1919 sanctioning the appointment of Syed Mohiyuddin Hussain Badsha Sahib, Khazi of Chitaldroog Town, as Sir Khazi of Chitaldroog District, in succession to his father, and permitting him to appoint, subject to the approval of the Deputy Commissioner, a qualified person to discharge the khazi's duties at the Musjid and town during his absence from Head Quarters

(2) Petition registered No.1630 dated the - 19th February 1920 from certain Mahomedans of Chitaldrug Town, praying for the appointment of a Peish Imam in the Mosque at Chitaldrug.

(3) Petition dated 26th May 1920 from certain Mahomedans of Chitaldrug Town stating that the Peish Imam appointed by the Sir Khazi is quite enough to meet their needs and that the appointment of an additional Peish Imam is unnecessary.

(4) Correspondence ending with letter No.S.C. 303 of 19-20 dated 8th September 1920 from the Deputy Commissioner, Chitaldrug District, submitting a report in the matter.

ORDER No.1521-3/Muz.517-19-21, dated the Bangalore 13th October 1922:-

The Mosque at Chitaldrug is an old Muzrai Institution and neither of the contending parties (the Sir Khazi and the Peish Imam) has any personal hereditable

interest

interest in the same. The Sir Khazi of Chitaldrug District has been by virtue of his office, placed in charge of the mosque, but his management not having been quite satisfactory, complaints have been made against him and Government have also had to interfere on several occasions to set matters right. The question of the appointment of Peish - Imam to the mosque is an old dispute which has not been satisfactorily solved on account of which there has been considerable feeling against the Sir Khazi owing to difference between the then Sir Khazi and - the Peish Imam, the appointment of a separate Peish Imam was done away with in 1906. The present Sir - Khazi of the District who was then the Town Khazi, was looking after the duties of Peish Imam, but the adherent of the thrown out Peish Imam never ceased agitating for his reinstatement. But so long as the duties of the Khazi were confined to the town of - Chitaldrug there was no serious inconvenience caused to the Mahomedan public, and the agitation in favour of the displaced Peish Imam did not gain favour with the general public. But in 1919 the then Sir Khazi having retired from office on account of old age, his eldest son who was looking after the duties of the - Town Khazi was appointed the Sir Khazi of the District, and this necessitated the appointment of a separate - Peish Imam, as the duties of the former are of a touring nature, and he cannot be expected to be present - in the mosque five times a day to lead the prayers. Government in their order No.649-50/Muz.735-18-2 dated 21st August 1919 allowed the Sir Khazi to appoint a - Peish Imam, subject to the approval of the Deputy Commissioner, and the Sir Khazi chose to the office his

younger

younger brother who is stated to be an official in the Excise Office, Chitaldrug. It is not known what the educational qualification of this man are, but it was obviously impossible for him to attend the mosque regularly five times a day at the stated hours of prayers, two of which at least fall within his office hours. This seems to have caused considerable dissatisfaction to the public and the old agitation in favour of the thrown out Peish Imam has been revised.

2. The order of the Government which is likely to be construed as recognising the right of the Sir Khazi to appoint the Peish Imam is based upon the recommendation of the Deputy Commissioner, which unfortunately proceeds upon a wrong interpretation of the terms of the Sannad granted to one of the ancestors of the Khazi in May 1814 by the Adalat Cutcherry. The Sannad is written in the Persian Language, and naturally there has been some mistake in understanding the precise scope of its terms. The Deputy Commissioner says that under the terms of the Sannad the Kasba of Chitaldroog belongs exclusively to the Sir Khazi and that its affairs may be managed by him personally or by any one to be deputed by him. This is not a correct rendering of the terms of the Sannad. The Sannad enjoins upon the Sir Khazi the duty to watch over the religious practices and observances of the people to see the education of the Mahomedan youths and the spiritual welfare of the people and to appoint Naibs, or assistant, generally throughout the Districts for the conduct of Nikha ceremonies and for performing the Zibha. The passage referred to

by

by the Deputy Commissioner literally translated runs as follows:-

3. Besides the Kasba of Chitaldroog there are twelve taluks attached to the Districts of Chitaldrug and all the Naibs of these places have been placed - under your control. It is clear from the language of the Sannad that the Khazi has not been given the control and superintendence of Mosques. Indeed such - powers could not have been rested in him, as under the Mahomedan Law the duties of Khazi are distinct from those of Muthavalli who alone is invested with authority to manage the affairs of the mosque to which he may be appointed. The duties of the Khazi have - been correctly laid down in the Muzrai Manual and the Superintendence and control of mosques is not one of them. If it was intended in the Sannad to give, what is technically called the Towliat to the Khazi the - fact would have been specially mentioned in the Sannad given to him. In the absence of any such special - authority conferred upon him the Khazi cannot appoint Muthavallis to Mosques and the practice in the Muzrai Department is for the Government themselves to make - such appointments in Government Institutions at Mysore and Seringapatam. The Government Order of 1919 will therefore be modified to this extent that the Deputy Commissioner in the Muzrai Department alone will appoint the Peish Imam of the Chitaldroog Mosque. Of course with the consult the Khazi and other respectable Muslim inhabitants before making a selection, - but it is not necessary that the Khazi should in the first instance make the nomination.

4. As regards the present incumbent of the office of the Peish Imam the Deputy Commissioner - may confirm him in his appointment if he resigns the service and is otherwise fit to discharge the duties of his office. If he is not to be confirmed there the Deputy Commissioner may appoint a man, preferably an outside, who may be acceptable to a great majority of the people of Chitaldroog though not to both the parties. The Deputy Commissioner may fix a suitable salary for the Peish Imam out of the income of the Mosque. The stipend given to the Sir Khazi is for the duties of Sir Khazi-ship and he is not bound to contribute anything towards the expense of the Mosque including the pay of the Peish Imam or Mouzzin.

5. As regards Syed Mohiyuddin whose claims for Peish Imamship have been urged by a section of the - Mahomedans, it may be stated that he has failed to - establish the hereditary right to the office. The Government had every authority to dispense with his services as they did in 1905 and in fact no other - course was open to them under the circumstances of the case. The proposal of the Deputy Commissioner ti appoint him as a Duruam or Second Peish Imam does not commend itself to Government.

Sd.....

Secretary to Government, Revenue Department.

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat,

Dated, Bangalore, 1st March 23.

No.2405/Muz.254-22-4.

Endorsement.

Sir Khazi Syed Mohiyuddin Hussainy Badsha Saheb, Khazi of Chitaldrug.

With reference to his petition dated 28th November 1922 praying for a review of G.O.No. - 1521-3/Muz.517-19-2 dated 13th October 1922, Sir Khazi Syed Mohiyuddin Hussainy Badsha Saheb is informed that the order sought to be reviewed was passed after hearing the case at length, and - taking all the circumstances of the case into - consideration, and Government see no reason now - therefore to re-consider it. The application for review is based upon a misinterpretation of the - terms of the sannad and misconception of the duties of the Khazi. It is accordingly rejected.

By Order,

Sd.T.E.Jayarama Iyer,

Secretary to Government, Bangalore.

BEFORE HIS HIGHNESS THE

OF MYSORE.

Memorial of Sir Khazi Syed Mohiuddin Hussainy Badsha, and connected papers.

Nature of case.

Memorialist's right of Imamship in the Chitaldrug Town Jumma - Musjid and his right of appointing or dismissing subordinate - Resh Imams or Naibs in the said Mosque, taken away by G.O.No. - 1521-6/Muz.517-19-21, dated - Bangalore, 15-10-22.

PRAYER.

Restoration of the above

Rights.

SUBJECT .....

Diary No. of letter replied to 1906

Section

File No. 7171

Serial No. 1

Muzrai Secretariat

(Muz)

, the 192 .

No. 2712

Date of issue 20.4.23

To

Signed by Mr. T E S. Aiyar

Sir Khaji Syed Mohiuddin Hussainy Badsha of Chitaldrug

With reference to his memorial to H.H. the Maharaja praying for an increase in his salary, ~~the~~ attention of the memorialist is ~~referred~~ drawn to endts Nos 2292/Muz 171-20-2 dy 6-1-21 and 2825/Muz 171-20-4 dy 16-2-21 and he was informed that his request for enhancement of pay

over.

Khaji Syed Mohiuddin Hussain Badsha's attention is drawn to endorsement

be complied with.

By Order

Secretary

Rev: Deptt

16/4/23

16/4/23

List of enclosures.

Copied by

Examined by

WD 0563—GPB—2,500—27-7-22